

Conflicting Perspectives on Terrorism

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Core Elements of a Definition of Terrorism

- Violence
- Innocent civilian victims
- Fear
- Political goals

Open Questions

- Are the *agents* of terrorism only non-state actors?
- Are the *targets* of terrorism mainly states?

There is no international consensus definition of terrorism

(Proposed) League of Nations Convention (1937)

"All criminal acts **directed against a State** and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public".

Definition in US Law

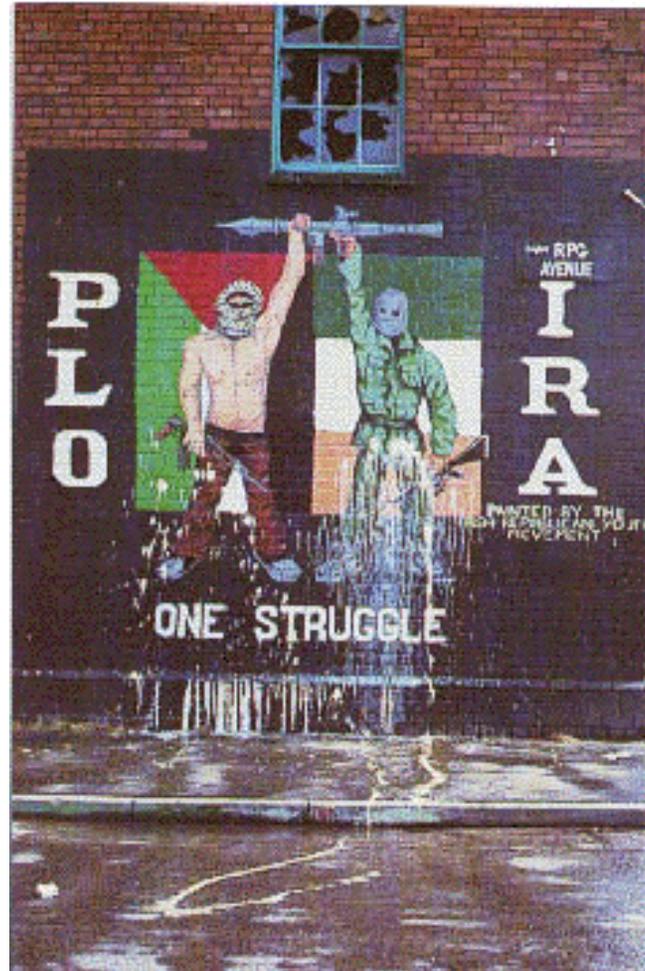
“The term ‘terrorism’ means premeditated, politically motivated violence perpetrated against noncombatant targets **by subnational groups** or clandestine agents, usually intended to influence an audience.”

Title 22 of the US Code, Section 2656f(d)

http://www4.law.cornell.edu/uscode/html/uscode22/usc_sec_22_00002656---f000-.html

Why is it so hard to agree on a definition of terrorism?

One state's (or person's) terrorist...



...is another's freedom fighter

Terrorism: Legitimate Weapon of the Weak?



“Mr. Ben M’Hidi, don’t you find it rather cowardly to transport bombs in women’s baskets and use them to kill innocent people?”

“And you, don’t you find it much more cowardly to drop napalm bombs on defenseless villages and kill a thousand times more innocents? **Give us your bombers, sir, and you can have our baskets.**”



Battle of Algiers, 1966



Why is it so hard to agree on a definition of terrorism?

The disagreements are not so much about definitions as about:

- the causes for which political violence is employed
- whether one has more sympathy for states and the *status quo* or challenges to state power in the interest of violent change

Is there any hope for an objective definition or a neutral framework for determining who should be considered terrorists?

Michael Walzer, *Just and Unjust Wars* (1977)

Just War Theory

(philosophical basis for laws of war)

- ***Jus ad bellum*** whether the resort to war is just
- ***Jus in bello*** whether the war is fought justly
 - Principle of proportionality
 - Principle of discrimination
 - between combatants and noncombatants/civilians

Walzer's definition of terrorism

(from *Just and Unjust Wars*, chap. 12)

- “**Randomness** is the crucial feature of terrorist activity.”
- Terrorism “in the strict sense” is “the random murder of innocent people.”

A variant on the laws of war – for terrorists

- “[There was] a political code first worked out in the second half of the nineteenth century and roughly analogous to the laws of war worked out at the same time.
- Adherence to this code did not prevent **revolutionary militants** from being called **terrorists**, but in fact the violence they committed bore little resemblance to contemporary terrorism.
- It was **not random murder** but **assassination**, and it involved the drawing of a line that we will have little difficulty recognizing as the political parallel of the line that marks off combatants from noncombatants.”

(Walzer, *Just and Unjust Wars*, p. 198)

A Political-Moral Code for “Terrorists” ?

“The war convention and the political code are structurally similar, and the **distinction between officials and citizens parallels that between soldiers and civilians** (though the two are not the same).

What lies behind them both, I think, and lends them plausibility, is the **moral difference between aiming and not aiming** – or, more accurately, between aiming at particular people because of things they have done or are doing, and aiming at whole groups of people, indiscriminately, because of who they are.”

(Walzer, *Just and Unjust Wars*, p. 200)

Walzer's moral assessment

“The first kind of aiming [political assassination] is appropriate to a limited struggle directed against regimes and policies. The second [indiscriminate attacks against civilians] reaches beyond all limits.”

Walzer's example

**Russian *narodniki* or populists
(late 19th-early 20th century)**

- began assassinating leading Russian officials

Assassination of Alexander II, 1881



Attack on Grand Duke Sergei cancelled (or, rather, postponed)

A revolutionary, carrying a bomb under his coat, was about to throw it into the Grand Duke's carriage...but he changed his mind.

Why?

At the last minute he noticed that Sergei had two small children on his lap.

(Sergei was eventually assassinated in 1905.)

Problems and risks of a too-narrow definition (Walzer's)

The risks of considering political assassinations morally acceptable might include:

1. more assassinations

A very partial list of successful assassinations, 1865-1922

- 1865 US President Abraham Lincoln
- 1880 US President James Garfield
- 1881 Russian Tsar Alexander II
- 1898 Empress Elizabeth of Austria-Hungary
- 1901 US President William McKinley
- 1901 Italian King Umberto I
- 1903 Serbian King Alexander I and Queen Draga
- 1904 Russian Interior Minister Viacheslav Plehve
- 1905 Russian Grand Duke Sergei Alexandrovich
- 1908 Portuguese King Carlos I
- 1912 Spanish Prime Minister José Canalejas y Méndez
- 1913 King George I of Greece
- 1914 Archduke Franz Ferdinand of Austria-Hungary
- 1921 Spanish Prime Minister Eduardo Dato Iradier
- 1922 Finnish Minister of Internal Affairs Heikki Ritavuori
- 1922 German Foreign Minister Walter Rathenau

For a more comprehensive list of attempts and successes:

<http://www.caslon.com.au/assassinationsnote3.htm>

The risks of considering political assassinations morally acceptable might include:

1. more assassinations

2. helping to justify “targeted assassinations” carried out by states, with prospect of civilian casualties

- Israel in Gaza and West Bank
- Russia in Chechnya
- US in Yemen (2002), Iraq (2003), Pakistan (2006), Somalia (2007)

A US example of a too-broad definition of a terrorist: *unlawful enemy combatant*

“a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant”

- **Military Commissions Act of 2006, Sec. 948a(1)**

This turns ordinary civilians – such as a mother giving food to her combatant son, an individual who sends money to a banned group, or a U.S. resident who commits a criminal act unrelated to armed conflict – into “combatants” who can be placed in military custody and hauled before a military commission.

- **Human Rights Watch, <http://hrw.org/backgrounder/usa/qna1006/3.htm>**

What are the risks of a too-broad definition of terrorism?

At home (in the USA):

Illegal surveillance of peaceful antiwar activists and environmentalists

Arrest and expulsion of foreign residents without adequate evidence of involvement in terrorism (5000 in the months after September 11th)

Abroad:

Denying Geneva Convention rights to legitimate combatants

Abuse and murder of innocent people arrested as (suspected) terrorists

The New York Times

In U.S. Report, Brutal Details Of 2 Afghan Inmates' Deaths

May 20, 2005

Even as the young Afghan man was dying before them, his American jailers continued to torment him. The prisoner, a slight, 22-year-old taxi driver known only as Dilawar, was hauled from his cell at the detention center in Bagram, Afghanistan, at around 2 a.m. to answer questions about a rocket attack on an American base. When he arrived in the interrogation room, an interpreter who was present said, his legs were bouncing uncontrollably in the plastic chair and his hands were numb. He had been chained by the wrists to the top of his cell for much of the previous four days...An interrogator told Mr. Dilawar that he could see a doctor after they finished with him. When he was finally sent back to his cell, though, the guards were instructed only to chain the prisoner back to the ceiling...Several hours passed before an emergency room doctor finally saw Mr. Dilawar. By then he was dead, his body beginning to stiffen. It would be many months before Army investigators learned a final horrific detail: **Most of the interrogators had believed Mr. Dilawar was an innocent man who simply drove his taxi past the American base at the wrong time.**

“Terrorists until proved otherwise”

[T]he rules of engagement [were not] very clear. The platoon had the standard interrogations guide, Army Field Manual 34-52, and an order from the secretary of defense, Donald H. Rumsfeld, to treat prisoners "humanely," and when possible, in accordance with the Geneva Conventions. But with President Bush's final determination in February 2002 that the Conventions did not apply to the conflict with Al Qaeda and that Taliban fighters would not be accorded the rights of prisoners of war, the interrogators believed they "could deviate slightly from the rules," said one of the Utah reservists, Sgt. James A. Leahy. **"There was the Geneva Conventions for enemy prisoners of war, but nothing for terrorists,"** Sergeant Leahy told Army investigators. **And the detainees, senior intelligence officers said, were to be considered terrorists until proved otherwise.**

oTim Golden, "In U.S. Report, Brutal Details of 2 Afghan Inmates' Deaths," *New York Times*, 20 May 2005.

What difference will the United Nations anti-terrorism conventions make?

The UN has adopted 13 conventions and protocols on various aspects of terrorism without agreeing on a consensus definition.

“[C]riminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.” (Article 6)

What about the question of “state terrorism”?

The latest convention, signed in September 2005, on the suppression of Nuclear Terrorism also contains no definition of terrorism, but it does hint at a way of resolving the controversy over agents of terrorism.

“If the core of war crimes - deliberate attacks on civilians, hostage taking and the killing of prisoners - is extended to peacetime, we could simply define acts of terrorism as **‘peacetime equivalents of war crimes.’**”

- A. P. Schmid (1992)

http://www.unodc.org/unodc/terrorism_definitions.html

As the preamble to the Nuclear Terrorism Convention put it:

- “the activities of military forces of States are governed by rules of international law outside of the framework of this Convention”
- “the exclusion of certain actions from the coverage of this Convention does not condone or make lawful otherwise unlawful acts, or preclude prosecution under other laws”

International Convention for the Suppression of Acts of Nuclear Terrorism

http://untreaty.un.org/English/Terrorism/English_18_15.pdf

In other words, there is already a legal basis to hold states accountable for crimes against civilians, without needing to label those crimes “terrorism.”

International humanitarian law (laws of war), including the Geneva Conventions, provides the appropriate venue.

Normative bargain implied in UN terrorism conventions:

States should not commit war crimes (and should punish them when they do occur).

Non-state actors should not engage in political violence.

Corollary (unless we want to condone assassinations...):

States must provide the possibility for peaceful challenges to the status quo and democratic change.

Link between terrorism, counterterrorism, and human rights

Impunity for those who have committed gross violations of human rights and grave breaches of humanitarian law remains...induces an atmosphere of fear and terror...encourages terrorist acts and undermines the international community's efforts to pursue justice under the law... Ensuring that innocent people do not become the victims of counter-terrorism measures should always be an important component of any anti-terrorism strategy.

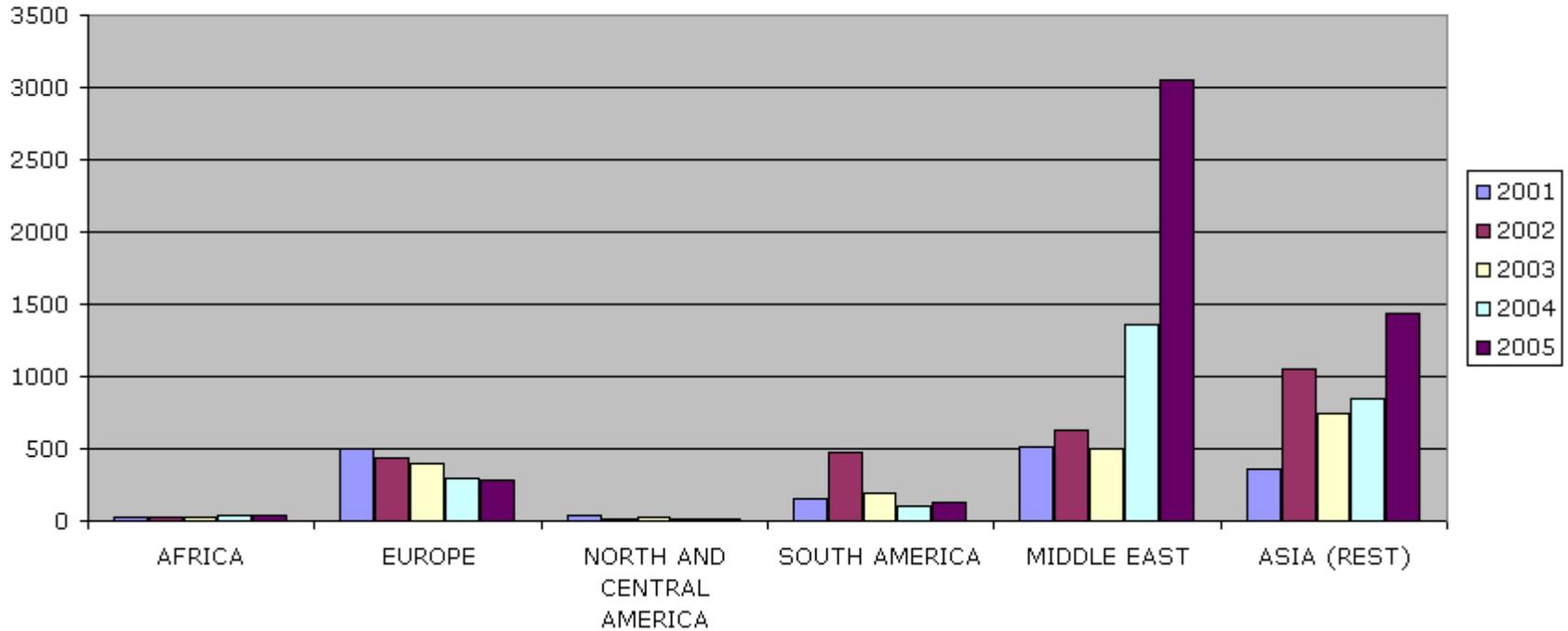
• Mary Robinson, UN High Commissioner for Human Rights, March 2002

<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/858EF20492884DD6C1256B82003E2A38?opendocument>

The United Nations Global Counter-Terrorism Strategy

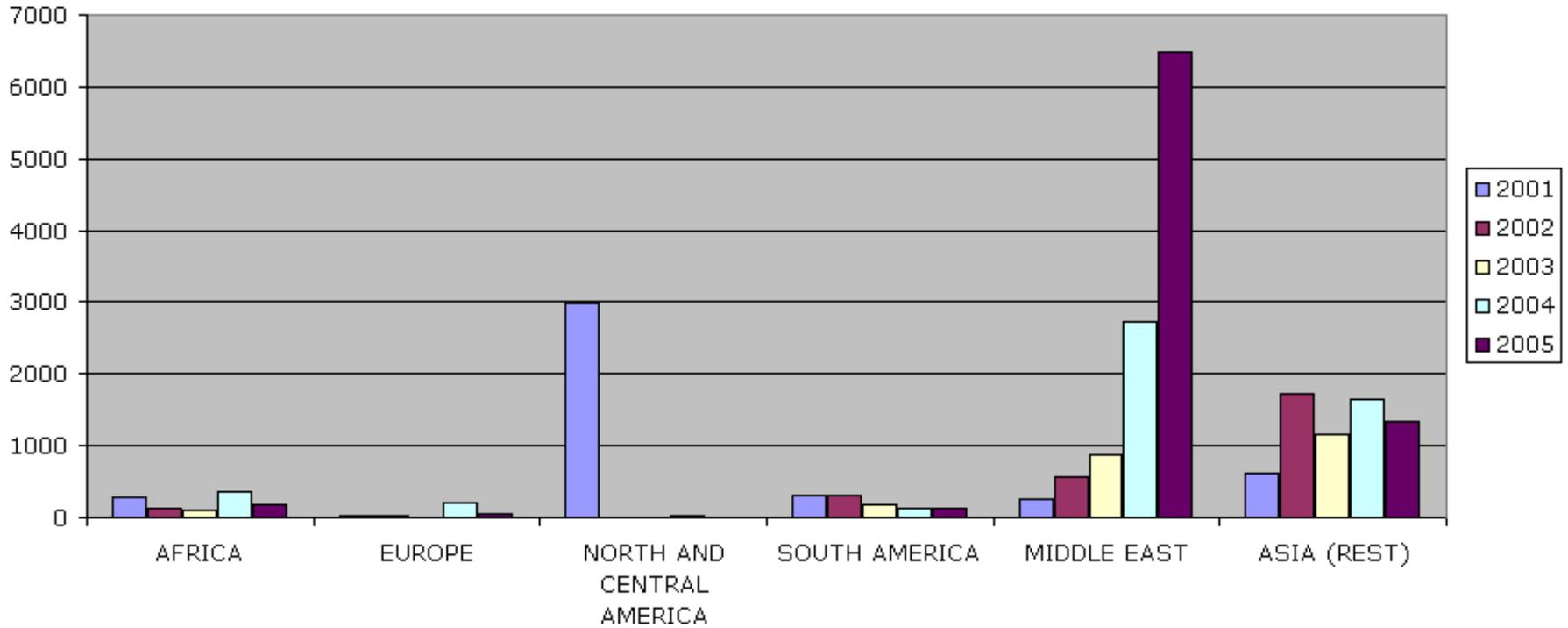
<http://www.un.org/terrorism/strategy-counter-terrorism.html>

TERRORIST ATTACKS, 2001-2005



Based on US State Department, *Patterns of Global Terrorism and Country Reports of Terrorism*, various years (provided by C. Kelleher)

FATALITIES FROM TERRORIST ATTACKS, 2001-2005



Based on US State Department, *Patterns of Global Terrorism and Country Reports of Terrorism*, various years (provided by C. Kelleher)



24 June 2006: The No. 2 leader of al Qaeda, Ayman al Zawahiri appears in a video on al Jazeera, celebrating as the “prince of martyrs” Abu Musab al Zarqawi, killed in Iraq.

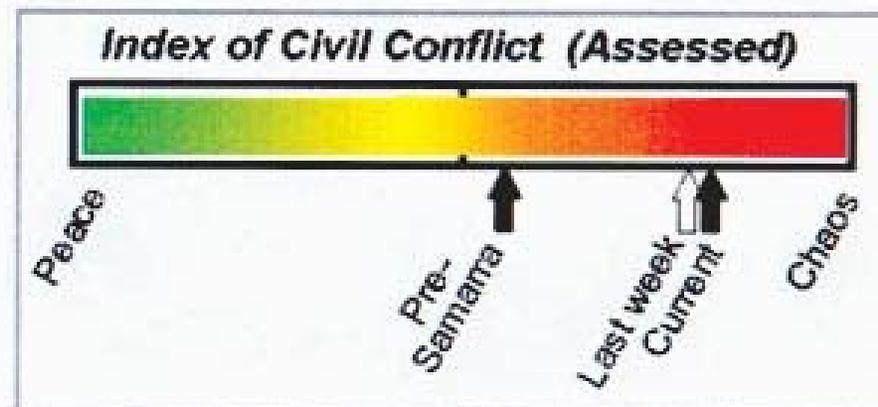
Iraq: I&W of Civil Conflict

Key Reads:

- Political / religious leaders increase public hostile rhetoric
- ▲ Political / religious leaders lose moderating influence over constituents
- Provocative sectarian attacks / assassinations
- Unorganized spontaneous mass civil conflict

Additional Indicators:

- ▲ Militias expand security role
- ▲ Governance
- ▲ Police ineffectual
- Army ineffectual
- Neighbors enable violence
- ▲ Sectarian tensions / violence displace populace
- ↑ Sectarian conflicts between / within ISF forces
- ↓ ISF refuse to take orders from central government, mass desertion
- Kurdish accelerate moves toward secession / annexing Kirkuk
- ◆ Low level violence motivated by sectarian differences



↕ CHANGE SINCE LAST WEEK

● ROUTINE

■ IRREGULAR

▲ SIGNIFICANT

◆ CRITICAL

Urban areas experiencing "ethnic cleansing" campaigns to consolidate control ... violence at all-time high, spreading geographically.

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